UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONALD LAWRENCE COURRIER

Defendant.

0:16-cr-00260-DSD

DEFENDANT'S POSITION REGARDING SENTENCING

INTRODUCTION

On October 25, 2016, Ronald Courrier pled guilty via Information to one count of Possession of Child Pornography in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2). The statute calls for a mandatory minimum of ten years imprisonment, a maximum of twenty years imprisonment, a supervised release term of at least five years up to a maximum supervised release term of life, a maximum fine of $250,000.00, a mandatory special assessment of $100.00, and payment of mandatory restitution in an amount to be determined by the Court. The Guidelines calculate a base offense level of 18 for this offense, a 2-level increase because the material involved prepubescent minors, a 4-level increase because the offense involved sadistic or masochistic conduct, a 2-level increase because the offense involved the use of a computer, and a 5-level increase because the offense involved a minimum of at least 600 images. There was a 3-level reduction for acceptance of responsibility. Mr. Courrier's criminal history is 0, which places him in category I. An offense level of 28 and criminal history category I calculates the advisory range of 78 to 97 months in prison, however a mandatory minimum of 120 months applies due to Mr. Courrier's March 3, 1999, conviction for Felony First Degree Criminal Sexual Conduct in Anoka County, Minnesota. Mr. Courrier has agreed to restitution under the Mandatory Victims Restitution Act, however there is no agreement as to restitution at this time, and no offer for restitution has been presented. Mr. Courrier also agreed to forfeit several items of his personal property, including his laptop computer, a Vizio television, and a thumb drive.

BACKGROUND

On July 5, 1964, Ronald Lawrence Marion was born in St. Paul, Minnesota, to his 17 year-old mother. Shortly after Ron's birth, his mother was married to his biological father out of the expectations of their Catholic families. Over the next few years, the couple was on and off. When a child was born, they would briefly get back together to try to make things work, and inevitably end up pregnant with another child. Within three years, the couple would have three children in addition to Ron – Mike, Carmen, and Kevin. By the time Ron's mother was 21 years old, she had four children. The stresses of four children were great, and she was not interested in being a mother. The young family moved from place to place around St. Paul. Ron's mother and father would often fight in front of the kids. Many nights, they would simply just not be around at all. Ron was often put in charge of caring for his younger siblings – even at the young age of four. Other times, Ron's 13 year-old cousin would babysit, with Ron's young parents paying the cousin with a pack of beer. Ron and his young siblings had almost no supervision or structured support. Ron remembers his mother angry with him for his siblings getting into trouble on his watch. He remembers one day his mother yelling at him for not watching his younger sister more closely and his mother pushing him into a bag of broken glass. He was cut badly on his buttock and needed 27 stitches that left a life-long scar. Another time, Ron's arm became caught in a clothes ringer. Later than night, Ron's uncle notice Ron was not doing well and that his arm was swollen. Ron was taken to the hospital where he was diagnosed with a staph infection. Ron does not remember any sexual abuse in his biological home, but his biological sister and brother both revealed they were sexually abused during this time. Due to the extreme neglect that led to these dangerous situations, Ron's maternal grandfather ultimately decided he had no other choice but to report the family to child protective services. Ron and his siblings were subsequently taken out of their home through child protective services. His grandparents tried to adopt the kids, but did not have room for four kids in their tiny household. Ron's parents tried to work a plan to be reunited with their children, but ultimately, it proved too much. His parents had failed to even enroll Ron, now age six, and his next youngest brother, Mike, in school. One day, Ron's father simply up and left the family. That same year, courts again took Ron and his siblings out of their home and placed them in separate temporary foster care households. Ron was finally scheduled to start school that fall after his 7th birthday in the fall of 1971. Ron was confused about his foster care situation. He believed the arrangement was temporary and that he would soon be reunited with his parents and siblings. He would sometimes stay with various other biological family members for overnight visits. His parents were not wonderful parents, but they were all the family he knew. On his 7th birthday, July 5th, 1971, Ron was staying with a foster care family and was visited by his parents. He had a wonderful visit with them; he remembers being happy and even being given gifts for his birthday – a bike from his dad and a record player from his mom. They spent the afternoon together. His parents finally seemed to be doing better and he was looking forward to going home soon. When it was time for them to leave, his parents sat him down at the kitchen table of his foster home and told him that they would never see him again. Ron could not understand what was happening. He was in shock and disbelief. The devastation and panic washed over him. He felt thrown away. He felt like he had been tricked. He felt like no one wanted him. He wanted to know what it was that he had done to make his parents never want to see him again. He begged his parents not to leave as he sobbed. After they left, Ron cried for hours. He had nightmares each night and would wake up screaming. Over the next two years, Ron was shuffled around through 14 different foster homes between the ages of 7 and 9. In some of those foster homes, he was sexually abused by foster siblings. Being constantly moved around with no feeling of permanency led him to never feel an attachment to anyone in his foster care families. Fine by him, since he had come to believe that adults could not be trusted, and that having a family or feeling like he belonged was something not granted to him in life. It was too painful to deal with the prospect of being hurt like that ever again.

At age 9, Ron was told that a family wanted to adopt him. Marvin and Verla Courrier came to visit him a few times in his foster care home in St. Paul. They lived on a farm in Wells, Minnesota, just outside Albert Lea, and even took him to the farm a few times to visit. They asked him if he wanted to be adopted and he agreed. He joined three new older sisters who were the biological children of Marvin and Verla: Leanne, Diane, and Sharon. His adoptive parents had always wanted a son, and now they had one. Diane was 11 years older than Ron (she was now age 20), and was already married to a man in the military and out of the house by the time Ron arrived. Sharon was living in a group home for persons with mental disabilities, and Ron rarely saw her as well. Ron's new parents gave Ron greater structure, helped him catch up in school, and got him involved in activities. They were loving, but he struggled to trust them or bond with them. He was also not used to authority figures in his life. His new parents hoped that Ron would be able to help with managing the farm, and would show an interest in perhaps taking over the farm one day from them. As Ron grew up, he learned he did not particularly enjoy farm work. There was a great deal of friction between Ron and his father Marvin due to Ron's lack of interest in helping with the farm duties. Ron struggled with his feelings that he had been adopted solely to be a farmhand. He knew his parents loved him, but he still carried resentment and distrust toward them from his past trauma. Ron's father Marvin was the stoic sort – a farmer who had a hard time showing emotion or understanding Ron's interests. His mother took a backseat to his father, and would go along with whatever his father wanted or felt. At times, Ron felt he couldn't do anything right to please his parents. He was often called "stupid" by his father when something didn't go right, and as a result, Ron's self-esteem was in the gutter. He was not encouraged to talk about his feeling or problems with them. Their family was a very religious one that also shunned any conversation about sex. This added to Ron's inability to talk to his parents about his career choices, or much anything else going on in Ron's life as he grew up.

Ron attended high school at Kiester-Walters High School in Kiester, Minnesota. His high school experience he considered "relatively normal." He realized he was decent in sports and good at singing. He joined sports teams and clubs that got him out of the house a lot. He graduated from high school in 1983 at the age of 18. After graduation, he had designs on becoming a physical therapist. He left Mankato State his sophomore year after deciding he did not like his on-campus living situation and needed a change. His roommate drank heavily, and Ron had started to drink heavily through being around that type of lifestyle. Ron subsequently transferred to Northwestern College in Roseville. Only half of his credits from Mankato State University transferred, and he had to start again as a freshman. At Northwestern, he ran track, played football, and was a cheerleader for the basketball team. He joined the male choir. He loved going to school at Northwestern. In spring 1990 near graduation, he left school just a couple credits short of completing a Bachelor of Science degree in sports studies with an emphasis on sports medicine, and a minor in bible studies. He had not completed a requisite internship needed for his diploma. He soon realized that to work in his chosen field, he would need a graduate degree. He was tired of school by this point and wanted to begin work. He went to work for a sporting goods company. He was there for three years and was promoted to manager in that time. After three years, however, the store went out of business and Ron started looking for other work.

In 1991, through his church, he met a woman who offered him a position implementing a physical education program at a daycare. He was interviewed and immediately offered the position. It was only working two hours per day, but he loved working with the kids. After six weeks of working there, the owners of the daycare offered him a position as a teacher. Having no other solid employment prospects at the time, he went to work as an assistant preschool teacher, teaching 4 and 5 year olds. After two years, he became a full-time teacher there, teaching preschool in the mornings and daycare in the afternoons. Life was going well for Ron and he loved his job.

In the mid-1990s, Ron was in a relationship with a woman his age, and was close to asking her to marry him. As things progressed, Ron got cold feet about the idea of marriage. He found it too difficult to really open up to another person, and found the idea of marriage scary. His relationship ended. Ron went through a depression, feeling lonely and isolated. This was a very tough time for him.

Ron continued working at the school and daycare until 1998, when he was charged with criminal sexual conduct against a girl at the daycare. He doesn't know what came over him that day – he was not consciously attracted to children. He had never imagined himself doing something like what he had done. Ron was horrified by his behavior. When confronted later that same day, he fully confessed. He cooperated in every way possible with the criminal investigation. He was told that he could have fought the case in court, but his paramount concern was not forcing this young girl to come to court to testify. Mr. Courrier pled guilty to his offense and was granted a stay of execution of his sentence. He was placed on probation until 2029 and ordered to serve one year in the Anoka County Jail, of which he served 8 months with good time. He was not able to serve this time in the workhouse since he was now unemployed.

Immediately after his release and while on supervised probation, he went to live with friends in Mora, Minnesota, for a few years. He started a new job at a cabinet company, making cabinets. Ron also immediately started a sex offender treatment program at Alpha Human Services. In that program, Ron encountered a man also in the group program, who he later learned was his biological brother, Kevin. Ron had not had any contact with his biological siblings since they had been split up to different foster care homes when Ron was six. His brother, it turned out, had committed a nearly identical criminal offense. Ron was highly motivated in the program, and completed the year-long program over the course of ten months. He found a great deal of support in his group therapy sessions. He confided in several people in his life, including a small group of friends and his pastor. He successfully graduated from the program in the summer of 2001.

As time passed, Ron lost touch with those in his support group. He moved to Braham, Minnesota, where he would reside for the next eight or nine years. In 2002, Ron went to work for Cambridge Metals and Plastics in Cambridge, Minnesota, as a Welding Robotics Programming Technician. Over the course of time, he made a few new friends and lived a quiet life. He slowly lost contact with some of his previous friends as people became busy with day-to-day life. His work hours were often long; typically from 6:00 a.m. until 6:00 p.m. on busy days. His newer friends never became aware of his previous struggles.

In in 2009, Ron moved to Coon Rapids. He became deeply lonely and felt isolated. He did not have a girlfriend or other romantic relationship in his life. He would wake up and go to work, come home, have dinner and watch some television, and then go to sleep to wake up the next day to repeat it all over again. His health suffered. In 2010, Ron quit his softball team due to being in poor health. This was one of his only social outlets. He was increasingly bored. Ron continued to enjoy his work; the company often made parts for big companies such as Honda and Polaris. But life became somewhat monotonous. He started watching adult pornography on his laptop as an escape from the monotony. As a form of excitement.

One day, Ron downloaded the Tor browser after the program was presented for download as a pop-up window on his computer. He knew that Tor advertised supposedly anonymous web surfing, but he was not computer savvy enough to know that Tor operated by masking a user's internet protocol address. He had no idea that Tor was a portal to the "dark web." Soon, Ron was exploring the various pop-ups that Tor generated. He stumbled upon pornography involving what looked to be young girls – around ages 10-13. He knew it was wrong, and he closed the files he had stumbled across. But the curiosity and excitement drew him back. He soon found several sites hosting child pornography and would sometimes download images or videos. He struggled with guilt and feelings of low self-worth over this time. Ron knew what he was doing was wrong. At times he would erase the files from his computer – or so he thought. He would go two or three months without looking at child pornography. But then he would start up again, down that slippery slope. Ron preferred to watch surreptitious webcams where children often were often dancing around naked or undressing, unaware they were being captured on camera. It bothered him to ever seen a child in distress, being subjected to violence or being forced to do something clearly against their will. In the webcams, the children were usually happy. Ron felt like he had a window into a world of children playing, happy and innocent. On September 7, 2014, Ron discovered the Playpen website available through the Tor browser. He went on to the website and created a username - "couro44" and typed in his name "Ron" as his user identity. Ron did nothing to try to further conceal his true identity while accessing the site.

In fall 2014, Ron proudly purchased his very first home – a townhouse in the city of Cambridge, Minnesota. He continued to live his life and adhere to his regular work schedule over the next year and half. On the morning of March 10, 2016, Ron was at work early, per usual. He was notified that federal agents were there to talk to him. They informed him that he was not under arrest – that they had a search warrant for his home and he could come with them to the house for the execution of the search warrant if he wanted. He agreed to accompany agents back to the home and to help them with what they needed. At first Ron was confused as to what was going on, but as he walked outside with them, he began to realize what this was about. Back at the house, he sat down with FBI Special Agent Maureen Lese at his kitchen table and spoke with her for nearly an hour. He told her and the other seven or so agents there where his computer was, and gave them his password to log on. He gave Special Agent Lese a full and detailed account of what sites he had visited for child pornography, how many images he had, and exactly how he had gotten them. The agents seized his laptop and his Wi-Fi television, which he had used for viewing in connection with his laptop. The agents left Ron his cell phone and his tablet after determining there were no files of interest on those devices. The agents took photos of his home. Ron had kept a clean house, and agents did not need to dig through anything in executing their search warrant. Agents left Ron's house after about an hour, satisfied he had made their job easier by simply telling them where to find everything they were interested in, how to access it, and his history with using it. After they left, Ron immediately called his supervising Isanti County Probation agent, Dave Evans, and told him what had occurred. Mr. Evans was surprised – he had considered Ron a model probationer who never gave him any trouble. They talked for a while about what had led up to Ron's re-offense. Ron and Dave agreed to meet in person later that morning for about a half hour.

Ron's work obviously became aware of the situation, but remained supportive and kept Ron employed. Ron immediately sought out a sex offender treatment program. He knew he had screwed up, and wanted to get help. The program at Alpha Human Services had been somewhat helpful, but it focused heavily on relapse prevention. Ron had strayed from what he had learned in his program. This time in treatment, he wanted to get to the root of his behavior. He struggled to understand why he committed these offenses. He knew that he didn't view children as sexual objects – he didn't walk down the street and see a child and think sexual thoughts. He was horrified that he could do such things; notwithstanding his offenses, Ron never ever wanted to see a child in distress or being hurt. But in the context of child pornography, there was something he was searching for, something in life he was missing. In a strange way for him, it was a way of gaining social interaction without the feelings of fear, pain, and distrust that adult relationships invoked for him.

He contacted Steve Sawyer with Sawyer Solutions in White Bear Lake. Mr. Sawyer was one of the founders of Project Pathfinders, a leader in sex offender treatment in Minnesota. Immediately, when Ron sat and talked to Mr. Sawyer during his intake meeting on April 8, 2016, Ron felt as though this was a treatment program that could help him. Indeed, Mr. Sawyer focused on the underlying root causes of Ron's issues. Mr. Sawyer wanted Ron to come back for a follow-up intake meeting to get even more in depth. That meeting was scheduled for April 22, 2016. At that meeting, they discussed Ron's traumatic childhood – his distrust of adults and his feelings of abandonment. Mr. Sawyer wanted Ron to attend his group therapy sessions as well as individual sessions. Ron began the program immediately, starting on May 2, 2016. He went on to complete six individual sessions and twenty group sessions over the course of the summer and into the fall. On September 28, 2016, Ron was charged with this offense in Federal District Court. Attached is a letter from Steve Sawyer, speaking to Mr. Courrier's successful progress in treatment, and some of his underlying issues discussed in group and individual therapy. October 19, 2016, was the last time Ron went to a therapy appointment with Steve Sawyer. His treatment was unfortunately abruptly halted when he was taken into custody on October 25, 2016.

The silver lining is that Ron now feels he has finally started to understand some of his suppressed feelings of distrust and abandonment, and how to deal with them in a productive way. He is now able to talk to people in his life about his issues – his sisters Diane and Leanne, and his friends. He feels that regardless of how this situation turns out, he will be the better for it and will finally get the help he needs.

ARGUMENT

This Court must consider a number of factors in determining a sentence that is sufficient but not greater than necessary to accomplish sentencing purposes, including the federal sentencing guidelines and 3553(a) factors. *United States v. Booker*, 543 U.S. 220, 245-46, 125 S.Ct. 738, 756-57; 160 L.Ed.2d 621 (2005); *Kimbrough v. United States*, 552 U.S. 85, 90, 111, 128 S.Ct. 558, 563-64; 169 L.Ed.2d 481 (2007). A sentencing court must consider the following factors as set forth in 18 U.S.C. § 3553(a) in order to arrive at a sentence:

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;
(2) the need for the sentence imposed—
   (A) to reflect the seriousness of the offense, to promote the respect for the law, and to provide just punishment for the offense;
   (B) to afford adequate deterrence to criminal conduct;
   (C) to protect the public from further crimes of the defendant; and
   (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.
(3) the kinds of sentences available;
(4) the advisory guideline range;
(5) any pertinent policy statements issued by the Sentencing Commission;
(6) the need to avoid unwarranted sentence disparities; and
(7) the need to provide restitution to any victims of the offense.

Upon consideration of these factors, this Court then must impose a sentence that is sufficient but not greater than necessary to satisfy the purposes of sentencing, to-wit, "just punishment, deterrence, protection of the public and the rehabilitation of the defendant." *United States v. Lupton*, No. 07-CR-219, 2009 WL 1886007, *1, 4 (E.D.Wis. June 29, 2009). The sentencing judge's responsibility, then, has become to "canvass all of the many features of the case that bear on the culpability of the defendant." *United States v. Ovid*, No. 09-CR-216 (JG), 2010 WL 3940724, *1, 6 (E.D.N.Y. Oct. 1, 2010). The Sentencing Commission has considered some of these features, but not all. Nonetheless, this Court's consideration must be guided by the overarching explicitly stated command that the ultimate sentence to be imposed should be no greater than necessary to satisfy the statutory purposes of sentencing.

A. The 3553(a) Factors Warrant a 120-Month Sentence.

The sentencing guidelines range in Mr. Courrier's case is between 78 and 97 months for a level I offense with a total offense level of 28. If not for the mandatory minimum 120-month sentence required in this case, Mr. Courrier would be subject to less time as recommended by the Sentencing Guidelines. This heavily supports that an ultimate sentence of 120 months is no greater than necessary to satisfy the statutory purposes of sentencing. Mr. Courrier is currently 52 years old. Upon Mr. Courrier's approximate release, he will have just turned 62 years old. As indicated in Mr. Courrier's Pre-Sentence Report, he has very little in terms of financial resources, and will likely need to return to work. A period of incarceration longer than ten years makes the likelihood of finding work at his advanced age less and less likely. Mr. Courrier does not want to be a burden on society, and would prefer to be able to support himself upon his release. He would also like to be able to pay any possible restitution to any victims. Also noted in the Pre-Sentence Report is the daily cost of incarceration, which is currently $2,665.00 per month. Should Mr. Courrier serve 120 months in custody, this will come at a cost of $311,805.00 (assuming approximately 117 months in actual custody). Any amount of incarceration beyond this time will cost taxpayers $31,976.00 per year. With such high costs of incarceration, the Court should impose no more than the ten-year mandatory minimum in this case.

B. Mr. Courrier Will Be Subject to an Additional State Prison Term.

Mr. Courrier also faces a probation violation in Anoka County for his previous conviction. An official probation violation has been filed, and an active warrant has been issued. He faces execution of a 74-month sentence that was previously stayed. Because a warrant has been issued, Mr. Courrier would face transportation to the Anoka County Jail upon his release from federal prison. Due to his conviction in this case, an Anoka County Judge would certainly find Mr. Courrier is in violation of his probation, and could then sentence him to an additional 74 months in the custody of the Minnesota Commissioner of Corrections, of which he may receive no credit for time served in federal prison, and of which he would serve 49 and 1/3 months, followed by a ten-year conditional release period.

C. Mr. Courrier's Acceptance of Responsibility Has Been Extraordinary.

Mr. Courrier has been extremely cooperative throughout this criminal investigation and these criminal proceedings. Other than using Tor itself, Mr. Courrier did nothing to avoid being caught. He worked as a Welding Robotics Technician and was not computer savvy. His computer was not password protected nor encrypted. FBI Special Agent Maureen Lese indicated to defense counsel that it was highly unusual for a user of the Playpen website to actually use identifying information on the site. Mr. Courrier's username was "couro44" and his logon name was listed as "Ron." In addition, Mr. Courrier's host computer name was listed as "RonC." When police arrived at his work on March 10, 2016, he did not resist, he did not deny the charges against him. He accompanied FBI agents back to his home voluntarily, where he provided them access to his computer and various programs, showed FBI agents where on his computer they could find the files they sought, and sat down at his kitchen table with FBI Special Agent Maureen Lese to give a full and detailed account of his actions related to this investigation.

When Mr. Courrier sought legal advice in March 2016, he was informed by his legal counsel he was likely facing a ten-year mandatory minimum sentence under the federal statutes for possession of child pornography. He was informed that this was a "hard mandatory minimum," meaning a judge could not depart from this sentence and that he would likely serve roughly 85% of this time in actual custody, meaning he would serve close to eight years and nine months in federal prison.

Mr. Courrier desired and sought treatment immediately, taking steps to try to rehabilitate himself prior to sentencing and prior to even being charged or knowing whether charges would be brought in either state or federal court. He has never used his rough upbringing or childhood trauma to diminish his actions or to excuse his behavior. He has steadfast maintained that his actions were his alone, and that he should pay a consequence for those actions.

Mr. Courrier was subsequently informed by his legal counsel there were several legal challenges to criminal charges resulting from Operation Pacifier. He was informed about Rule 41(b) challenges to the validity of the search warrant issued in Operation Pacifier by a Federal District Court Magistrate Judge in the Eastern District of Virginia. He was informed that the search warrant in his case for his home actually listed an incorrect address – that of 8370 141st Court West in Apple Valley, Minnesota, instead of his address in Cambridge. He was informed attorneys in Washington State were successful in motioning the court for access to the full source code of the malware deployed by the FBI known as a Network Investigation Technique or "NIT" on the child pornography website "The Playpen" that the FBI had taken over hosting. He was advised that some federal judges across the country found the idea that the FBI was hosting a child pornography website for a period of two weeks – a period during which the website's membership increased from 11,000 users per week to 50,000 users per week – was so offensive as to be antithetical to the interests of justice. After being advised of these issues, Mr. Courrier's response was that "his actions were his fault and he did them voluntarily," and that he would elect not to raise any of these challenges so as to take his punishment.

Mr. Courrier signaled his intention to plead guilty to the United States Attorney's Office and an Information was filed. Mr. Courrier appeared by summons before the Court on October 25, 2016. He entered a guilty plea to the count against him and admitted all details of his offense without hesitation. At that time, Mr. Courrier was immediately taken into custody. This was not anticipated on his part; Mr. Courrier was hoping to finalize some of his personal affairs before being taken into custody: selling his home, officially terminating his employment, selling his townhome, and signing over power of attorney to his sisters to manage his meager financial affairs. His sisters were present in the courtroom, and were not allowed to hug him goodbye. Mr. Courrier's parents are in poor health – his dad has suffered multiple strokes and his mother has blood cancer – and likely do not have much time left on this earth. He was unable to say goodbye to them. It was a devastating day for Mr. Courrier and his family, but one that he has repeatedly insisted came about only due to his own actions. Mr. Courrier's employment was not actually terminated as is stated in the pre-sentence investigation; he simply no longer showed up for work upon being taken into custody. His sisters were left with the unfortunate task of informing Mr. Courrier's employer that he had been taken into custody, and would not be able to continue with his employment. Despite his situation, his employer, supervisors, and co-workers wished him well and said they were sad to see him go. This is unsurprising to anyone in personal contact with Mr. Courrier, as he is a friendly person who is always cheerful in disposition and willing to help others.

While in custody, Mr. Courrier was told by another individual in custody in Sherburne County for the same federal charges related to Operation Pacifier, that this individual chose to raise some of the very same legal challenges that were presented to Mr. Courrier at the onset of his case. This individual told Mr. Courrier he had some success in raising these challenges, resulting in the suppression of evidence in his case. Whether this is true or not, Mr. Courrier has remained steadfast that he "does not regret the decision to take responsibility for his actions," and still feels that his guilty plea was "the right thing to do."

Mr. Courrier could not have cooperated any more in this case unless had he alerted the government to his actions himself. Once the FBI agents contacted Mr. Courrier, he was the utmost in assisting the agents in executing their search warrant, speaking with agents in full detail about his actions, and in signaling early on that he would take responsibility by pleading guilty and waiving indictment – despite the known reality of facing a minimum of ten years in federal prison. His acceptance of responsibility in this case has been extraordinary.

D. Mr. Courrier is Unable to Pay a Fine.

As indicated in Mr. Courrier's Pre-Sentence Report, he has very little in terms of financial resources. His monthly income is noted as a net loss of -$1,305.00 per month. He has no equity in his townhome, which is in the process of being sold, and has very little in terms of assets. In addition, Mr. Courrier has a number of outstanding loans and debts. His net worth is calculated to be -$17,248.00. He has no monthly income through investments. He has no savings or retirement accounts. At the time he was taken into custody, Mr. Courrier was making approximately $38,000 per year through his employment. He filed for bankruptcy in 2011. Mr. Courrier's parents provided the money needed to retain legal counsel in this matter. The Pre-Sentence Report rightly concludes that Mr. Courrier does not have the ability to pay a fine within the statutory range. Mr. Courrier should be considered an indigent person for purposes of assessing any fine, and he should therefore be exempt from a fine in this case. In addition, any monies that Mr. Courrier is able to secure should be allocated to possible restitution, rather than a fine.

E. Mr. Courrier Respectfully Requests to Serve Time at Sandstone Federal Correctional Institution.

Mr. Courrier respectfully requests that the Court include a recommendation to the Bureau of Prisons that he serve his time at the Federal Correctional Institution in Sandstone, Minnesota. Serving his sentence at the Federal Correctional Institution – Sandstone would allow Mr. Courrier to be close to his family members who live in Minnesota. There, he will be able to take advantage of sex offender treatment that he desperately wants to enter and complete. Sandstone will likely allow him to maintain ties with his support network so that upon his release, he may have a better chance of re-assimilating into society. Inmates allowed to keep contact with family members, friends, and the outside world will do better upon release, and have a greater sense of accountability.

F. A Supervised Release Period of Five Years is Sufficient.

As indicated by the letters of support submitted on Mr. Courrier's behalf, he has a great deal of support among family and friends who are aware of his offense. Mr. Courrier's employer was aware of his offense, being that he not only was confronted by the FBI while at work the morning of March 10, 2016, but that he also later discussed his offense with his supervisors. His employer allowed him to work in his full-time capacity up until Mr. Courrier was taken into custody on October 25, 2016. It is possible Mr. Courrier may return to that same employer upon his release to seek re-employment. His prospects for re-assimilation into society upon his release are good. A term of five years supervised release, in addition to approximately eight years and nine months in custody, and the possible additional 74 months plus ten-year conditional release period Mr. Courrier is subject to for his executed sentence on his previous Anoka County offense, is sufficient to supervise Mr. Courrier.

Mr. Courrier had not previously had the opportunity to complete meaningful sex offender treatment, nor been able to fully understand the underlying issues that led to his behavior. But now, through his treatment with Steve Sawyer at Sawyer Solutions, he sees how his feelings of abandonment and distrust of adults led to him identify emotionally with children and commit his offenses. He intends on pursing whatever treatment is available through the Bureau of Prisons, plus any aftercare – likely for his lifetime. He understands that he must maintain his course of therapy and his relationships within his support network. He is someone who genuinely never wanted to hurt a child. His sentence should reflect his desire to improve himself and the need to provide him with adequate treatment. Successful completion and a commitment to continued therapy will prevent recidivism.

Mr. Courrier has already shown he will make the best of his time in custody. While in Sherburne County Jail, Mr. Courrier exercises daily. He has lost approximately 30 pounds since October 25, 2016, when he was taken into custody. He has not had any behavioral problems whatsoever in the Sherburne County Jail.

CONCLUSION

Mr. Courrier respectfully requests that this Court sentence him to a term of ten years imprisonment followed by a period of five years supervised release, and that he not be subject to paying a fine in this case.

Respectfully submitted,
Brandt Criminal Defense

Dated: April 7, 2017

/s/ Kelly J. Keegan

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